



## Algeria

### Country Reports on Human Rights Practices - [2004](#)

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Algeria is a multi-party republic based on a constitution and a presidential form of government. The head of state is elected by popular vote to a 5-year term. The President has the constitutional authority to appoint and dismiss cabinet members, as well as the prime minister, who acts as the head of the Government. The president also serves as Commander in Chief of the Armed Forces. President Bouteflika, elected in 1999 in an uncontested election, completed a full term in office, the first president to do so since the adoption of the multi-party system in 1989. In Algeria's first democratic, contested presidential elections, he was re-elected in April from among five other candidates while the military remained neutral.

The security apparatus comprises the army, consisting of ground, naval, and air defense forces; the national gendarmerie; the national police; communal guards; and local self-defense forces. All of these elements were involved in counterterrorism operations. The Ministry of National Defense and the Ministry of the Interior oversee the maintenance of order within the country. The military has traditionally influenced government decisions beyond defense and foreign policy and is widely believed to have orchestrated the outcome of the 1999 presidential elections. More recently, however, with increased civic peace and the president's re-election, there has been a trend toward more civilian control, a reduced role for the military in day-to-day decision-making, and an increased military focus on modernization and professionalism. During the April elections, the Armed Forces Chief of Staff ordered all members of the military to maintain strict political neutrality, and a law was passed ending military/security force voting in their barracks, a practice that was thought to have been a source of voting irregularities in previous elections. Although the Constitution provides for an independent judiciary, it continued to be restricted by executive influence and internal inefficiencies. While the Government generally maintained effective control of the security forces, there were some instances in which security force elements acted independently of government authority. Some security force members committed serious human rights abuses.

Algeria is emerging from over a decade of terrorism and civil strife in the 1990s, in which between 100,000 and 150,000 persons were estimated to have been killed. It is making a slow, uneven, and incomplete transition from a military-dominated state with a state-administered economy toward democracy and an open market economy. The country has a population of approximately 33 million. The hydrocarbon sector was the backbone of the economy, accounting for 55 to 60 percent of budget revenues, 35 percent of Gross Domestic Product, and over 95 percent of export earnings. Government statistics put the economic growth rate at 6.8 percent. Unemployment has been estimated at 20 to 30 percent; for citizens between the ages of 20 and 30, unemployment is even higher.

The Government's human rights record remained poor overall and worsened in the area of press freedoms; however, there were significant improvements in some areas. There continued to be problems with excessive use of force by the security forces as well as failure to account for past disappearances. New allegations of incidents and severity of torture continued. Citing the country's ongoing struggle against armed terrorist groups, civilian and military police arbitrarily detained and arrested persons and incommunicado detention continued. The Government routinely denied defendants fair and expeditious trials. Despite judicial reforms, prolonged pretrial detention and lengthy trial delays were problems. Denial of defendants' rights to due process, illegal searches, and infringements on privacy right also remained problems. The Government did not always punish abuses, and official impunity remained a problem. The Government continued to restrict freedoms of speech, press, assembly, association, and movement during the year. The use of defamation laws and government harassment of the press significantly increased, leading to the imprisonment of several journalists for terms ranging from 2 to 24 months, the closure or suspension of two newspapers, and more self-censorship by the press. The Government also continued some restrictions on freedom of religion. Domestic violence against women, the Family Code's limits on women's civil rights, and societal discrimination against women remained serious problems. Child abuse was a problem. Despite the Government's recognition of Tamazight as a national language, restrictions on Amazigh (Berber) ethnic, cultural, and linguistic rights continued to provoke occasional demonstrations. Child labor was a problem in some sectors. The Government continued to restrict workers' rights by not officially recognizing some unions.

Despite these problems, the Government took several notable steps to improve human rights. There was a significant reduction in reported abuses by the security forces. Government actions reduced the number of terrorism-related civilian deaths and strengthened the basic human right to life and security. The Government oversaw generally free fair elections, according to international observers, including a representative from the Organization for Security and Co-operation in Europe (OSCE). The government-appointed Ad Hoc Mechanism on the Disappeared recommended and the Government agreed to accept

responsibility for unauthorized actions by security forces and pay indemnities to families of the disappeared. The Government also negotiated in good faith with the Berber group "Arouch" as part of its National Reconciliation plan. In October, the Government passed new Penal Code legislation criminalizing both torture and sexual harassment for the first time.

Terrorist groups committed numerous, serious abuses. Terrorists continued their campaign of insurgency, targeting government officials, families of security force members, and civilians. The death of civilians often was the result of rivalries between terrorist groups or to facilitate the theft of goods needed to support their operations. Terrorists used violence to extort money, food, and medical supplies. Terrorists also used vehicle-borne explosive devices to attack infrastructure targets and also used ambushes to attack military convoys. The violence occurred primarily in the countryside, as the security forces largely forced terrorists out of the cities. Successful operations by security forces helped to eliminate terrorist cells and leaders, weakened terrorist groups, and resulted in significantly lower casualty levels for the year.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

Citing the Government's continued struggle against terrorism, security forces killed terrorists in armed confrontations. There were no politically motivated killings by the Government or its agents; however, communal guards killed one unarmed person allegedly without warning. The Government stated that, as a matter of policy, disciplinary action is taken against soldiers or policemen who are guilty of violating human rights. In December, Ali Tounsi, head of security forces in the Ministry of the Interior, announced that 300-400 police officers are dismissed every year due to stricter disciplinary standards and better recruitment. The Government did not routinely release specific information regarding punishments of military and security force personnel.

According to credible reports in May, adolescents Chouaib Argabi and Ali Remili stole food, hid it in a palm grove, and attempted to retrieve it in the night. In an area where armed militants are known to be active, Communal Guards (GLD) noticed their movements and allegedly fired without warning, killing Argabi, an ethnic Berber, and sparking demonstrations the next day (see Section 1.c.). No investigation was conducted into the incident, but the commander of the GLD denied his guards fired summarily.

The gendarme responsible for the death of a Kabylie youth that sparked the 2001 Black Spring was tried in 2002 by a military tribunal and sentenced in 2003 to 2 years in prison for involuntary homicide. He was released during the year (see Section 1.d).

No disciplinary action was taken in the March 2002 case where hundreds of persons died in riots between gendarmes and protesters and the April 2002 case in which numerous persons were injured and killed during street battles between Kabylie protesters and riot police.

During the year, security forces killed numerous suspected terrorists. In September, Interior Minister Zerhouni stated publicly that 450 terrorists had been killed, arrested, or had surrendered during the first 8 months of the year. According to press reports, an estimated 219 terrorists were killed and 444 arrested during the year.

Terrorists targeted both civilians and security forces. According to press reports, there were 93 civilian deaths at the hands of terrorists, compared to 198 in 2003. Terrorists were also responsible for the deaths of 117 members of the security forces, compared to 223 last year.

According to the Government, the total number of terrorist, civilian, and security force deaths during the year was approximately 429, compared to 1,162 in 2003.

Terrorist groups mainly targeted infrastructure and security forces. These groups also committed acts of extortion by carrying out violent reprisals against those who failed to pay a "tax." Other tactics included creating false roadblocks outside the cities, often by using stolen police uniforms, weapons, and equipment. Some killings, including massacres, also were attributed to revenge, banditry, and disputes over private land ownership. The violence appears to have occurred primarily in the countryside, as the security forces largely forced the terrorists out of the cities.

#### **b. Disappearance**

During the year, there were no reports of politically motivated disappearances. There have been credible reports of thousands of disappearances occurring over a period of several years in the mid-1990s, many of which involved the security forces. The last known disappearance, according to local and international NGOs, occurred in 2002.

The total number of disappeared continued to be debated. Officially, the Government estimated that approximately 7,200 persons were missing or disappeared as a result of government actions and approximately 10,000 additional persons missing or disappeared as a result of terrorist kidnappings and murders. Local NGOs reported security forces played a role in the

disappearances of approximately 8,000 persons. Amnesty International (AI), in its 2003 report, stated that 4,000 men and women disappeared from 1993-2000 after being arrested by members of the security forces or state-armed militias. In November, Farouk Ksentini, Director of the Ad Hoc Mechanism on the Disappeared, said that 5,200 cases of the disappeared were attributable to security force abuses. Human rights attorney Ali Yahia Abdenour placed the combined number of missing from both security force and terrorist actions, based on the testimony of family members, at 18,000, which is comparable to the official government estimation.

In 2003, local NGOs reported a trend of prolonged detentions ranging from 8 to 18 months that were frequently characterized as disappearances until the prisoners were released to their families. Disappearances resulting from prolonged detention or other factors remain contrary to the legal procedures stipulated in the country's Penal Code and its Constitution.

Nearly all of the disappearances remained unresolved. Local offices of the Ministry of Interior in each district accept cases from resident families of those reported missing. Credible sources stated that the offices provided little useful information to the families of those who disappeared. In September 2003, the Government announced the establishment of the Ad Hoc Mechanism on the Disappeared (the "Mechanism") and named Farouk Ksentini as director. Ksentini described the Mechanism as an interface between the Government and victims' families with the authority to request information from governmental agencies in order to research familial claims of disappearances. Ksentini has noted that the Mechanism is not an investigative body and cannot force the cooperation of other governmental agencies or the security forces.

In February, President Bouteflika publicly declared that the State must accept responsibility for the actions of security personnel, even though such actions were not authorized by Government policy. On April 28, the Mechanism provided President Bouteflika with recommendations for dealing with disappearances. One recommendation was that, for cases verifiable by the Mechanism's files, an indemnity should be paid to the families of the disappeared. According to Ksentini, the Mechanism had files on 5,000 such cases, although an NGO claimed in September that the Mechanism only had 300 files, despite the large numbers of disappearances and records maintained by local NGOs. In December, during Human Rights Day, President Bouteflika announced that the Mechanism would present further recommendations on the disappeared by March 2005.

Local human rights NGO groups severely criticized the Mechanism for its ineffectiveness during its 18-month mandate. NGOs were not invited to give any input related to the Mechanism's creation nor consulted for recommendations. However, the Mechanism has met, on a case-by-case basis, with individual NGOs that requested a meeting. NGOs also claimed the Mechanism could not provide any guarantee of its independence and impartiality. After some reflection, local NGOs generally welcomed indemnities in some form. However, local NGOs and family members of the disappeared continued to demand that the Government make greater efforts to locate the remains of the missing, investigate disappearances, determine responsibility, and to hold perpetrators accountable.

There were no reported prosecutions of security force personnel stemming from these cases. According to some local NGOs, the Government has refused to investigate cases for fear of raising criminal charges against security forces or other government officials. One group also claimed that the Government feared investigations leading to the prosecution of terrorists who received an amnesty under the Civil Concord would embarrass President Bouteflika, who has been a driving force behind the Concord and the policy of national reconciliation. In its 2003 report, Human Rights Watch (HRW) noted that the Mechanism's mandate fell short of holding perpetrators accountable and bringing them to justice. For courts to hear charges of disappearance, the law requires at least two eyewitnesses. Courts have therefore refused to consider several cases where a family member, as a single eyewitness to an abduction, had identified specific policemen as the abductors.

The Government asserted that the majority of reported disappearances either were committed by terrorists disguised as security forces or involved former armed Islamist supporters who went underground to avoid terrorist reprisals. However, there is no evidence that the Government investigated any of the 5,200 cases that it admitted were caused by security forces. Ksentini reiterated throughout the year previous statements that if security forces had played a role in the disappearances, it was due to the actions of individuals operating outside the scope of their superior's orders and not on the orders of any specific government institution. While acknowledging government responsibility for protecting its citizens, Ksentini said the Mechanism would forward evidence of responsibility to the judiciary for prosecution, but had not done so because there was not enough evidence in any case.

In October 2003, Salah-Eddine Sidhoum, physician and human rights activist, was acquitted of subversion and jeopardizing the State. Dr. Sidhoum had been convicted in absentia in 1997.

The Government also placed restrictions on the international NGO Freedom House's efforts to investigate the issue of the "disappeared." The Government required Freedom House to submit its proposed activities in advance for governmental approval. Government officials said technical assistance was welcomed, but no political activities would be allowed. As a result, some proposed activities were denied. The Government also denied visas to Freedom House associates, causing some events to be cancelled.

In November 2003, a suspected mass gravesite was discovered in Relizane and the personal effects of El Hadj Abed Saidane, who disappeared in 1996, were identified. The family of Saidane accused Mohamed Fergane, the former mayor of the local town and the head of a self-defense militia at the time of Saidane's disappearance. Fergane had previously been accused of being responsible for 212 forced disappearances between 1994 and 1997 by families of the disappeared. The Relizane prosecutor's office agreed to conduct an investigation into this case, but failed to do so after the remains were removed by unknown persons.

Government authorities did not pursue an investigation into who was responsible for the removal of the remains.

In February 2003, the Salafist Group for Call and Combat (*Groupe Salafiste pour la Predication et le Combat*, or GSPC) kidnapped 38 foreign tourists in the southwestern part of the country but released them 6 months later after crossing into Mali. One of the hostages died from exposure.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both the Constitution and legislation prohibit such practices; however, according to local human rights groups, defense lawyers, and media reports, security forces continued to use torture when interrogating persons.

Although torture had been denounced in the Penal Code, new legislation enacted in September criminalizes torture, and government agents may face prison sentences for up to 3 years for committing such acts. However, during the year, there were no reports of police or security forces receiving punishment for torturing suspects. Impunity remained a problem (see Section 1.d.).

Though human rights lawyers have stated that the incidence and severity of torture is on the decline—in part due to better training of the security forces and alternative intelligence gathering techniques—they maintained that torture still occurred in military prisons, more frequently against those arrested on "security grounds." Last year, the independent press reported that the "chiffon" method—placing a rag drenched in dirty water in someone's mouth—was the preferred method of torture because it left no physical traces of assault. In 2003, AI reported an increased number of accounts detailing the usage of the wet rag method.

In May, 24 adolescents were arrested in T'kout following demonstrations protesting the death of Chouaib Argabi (see Section 1.a.). Six of the adolescents alleged to their lawyer that they were tortured and sexually abused by the gendarmerie during their detention. Their attorney, Salah Hanoun, reported to the press that he saw the physical proof of mistreatment and took photographs. During their trial, defense lawyers raised the issue of torture, but the judge refused any discussion of the matter.

In March 2003, according to AI, a 42-year-old restaurant manager from Bouira was tortured for 10 days at the military security center in the Ben Aknoun quarter of Algiers. He stated he was tied down and forced to swallow large quantities of dirty water, beaten, subjected to electric shocks, and forced to sign a statement "admitting" links to armed groups. He was remanded in pre-trial detention. The Government did not investigate his alleged torture.

No action was taken in the 2002 cases in which security forces allegedly tortured a shopkeeper in Surcouf or in which security forces tortured four members of the political party Rally for Democratic Culture (RCD) and their families.

Prison conditions generally met international standards, and the U.N. Development Program (UNDP) noted improved conditions in civilian and low security prisons as a result of prison reform efforts undertaken by the Ministry of Justice. The UNDP also worked with the Government to improve educational programs in prisons.

However, overcrowding, insufficient medical treatment, and the Government's continued refusal to allow international observers access to military and high security prisons remained problems. In October 2003, the media reported there was 1 doctor for every 300 prisoners. While the Government permitted visits by independent human rights observers to regular, non-military prisons, it did not permit visits to its military or high security prisons. In October, the International Committee of the Red Cross (ICRC) visited civilian prisons and pre-trial detention centers, but it was still barred from the country's military and high security prisons.

Hunger strikes were held in several prisons throughout the country in protest over the length of detentions before trial.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, in practice the security forces continued arbitrarily to arrest and detain citizens, although reportedly less frequently than in previous years.

The national police or General Directorate for National Security (DGSN) falls under the control of the Ministry of the Interior. The Gendarmerie, under the Ministry of Defense, also performs police-like functions throughout the country. Police are generally effective at maintaining order throughout the country. Low levels of corruption do exist, especially in the customs police, but appear to be limited to individuals and not sanctioned by the state.

Impunity remained a problem, and the Government did not publicize the numbers, infractions or punishments of police officials. According to human rights attorneys, police officials, and local NGOs, most abuses of police authority occurred as a result of officers not following established guidelines for arrests.

The Ministries of Justice and Interior told AI in April 2003 that at least 23 gendarmes had been prosecuted and sentenced in military tribunals for "abusive use of firearms." However, the National Consultative Commission for the Promotion and Protection

of Human Rights (*Commission Nationale Consultative de Promotion et de Protection des Droits de l'Homme*, or CNCPPDH) told the AI delegation that only one gendarme had been sentenced. The Government has not provided an explanation for this discrepancy.

The police are required to obtain a summons from the prosecutor's office in order to bring a person in to a police station for questioning.

Police may make arrests without a summons if they witness the offense taking place. Arrest warrants are only issued when a suspect is a flight risk. The Constitution requires that a suspect may be held in incommunicado pretrial detention for no longer than 48 hours before the prosecutor must determine if enough evidence exists to continue to hold or release them. If more time is required for gathering additional evidence, the police may request the prosecutor to extend the suspect's detention from 48 to 72 hours. In practice, the security forces generally adhered to the 48-hour limit in non-terrorism cases.

Persons accused of acts against the security of the state, including terrorism, may be held in pre-trial detention no longer than 12 days.

Prolonged pre-trial detention remained a problem. If the prosecutor determines enough evidence exists to pursue a trial and the suspect is also a flight risk or has committed a serious felony offence, the suspect may be held in investigative detention ("detention preventive") for 4 months with trial extensions not to exceed 16 months. Ksentini, CNCPPDH President, said that there has been an abusive use of investigative detention by prosecutors and that its use should remain an exceptional measure according to law.

While in pretrial detention, detainees must be informed of their right to communicate immediately with family members, receive visitors, and to be examined by a doctor of their choice at the end of their detention. However, there have been frequent reports of these rights not being extended to detainees, and, in some cases, local NGOs and human rights attorneys noted that the detention period extended beyond the legal limit.

There is no system of bail, but in non-felony cases suspects are usually released on "provisional liberty" while waiting for their trial. Under provisional liberty, suspects are required to report weekly to the police station of their district and are forbidden from leaving the country.

Local prosecutors are required to grade the performance of police captains operating in their jurisdiction to ensure that they comply with the law in their treatment of suspects. Police captains subsequently grade their officers. In addition, any suspect can request a medical examination once on police premises or before facing the judge.

On August 10, Belaid Abrika, the leader of the autonomy-seeking Berber Arouch Citizen's Movement, was arrested by Tizi-Ouzou police during a protest at a hospital. The previous day, Abrika and 10 delegates of the Citizen's Movement had called on the mayor of Tizi-Ouzou to leave his position, as had been negotiated with the Government in January. The Mayor lodged a complaint against Abrika, who was arrested the following day. No arrest warrant was produced and no notification of the summons had been sent to Abrika, who spent 28 hours in jail. He was charged with participation in a riotous assembly and breaking the peace. The prosecutor placed Abrika on probation and forbade him from organizing or taking part in any type of meeting.

On November 1, President Bouteflika issued a presidential pardon to 3,822 prisoners on the occasion of the anniversary of the country's revolution. The prisoners released were convicted of petty crimes

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was not independent in practice. Executive branch decrees and influence, interference by the Ministry of the Interior, and inefficiency within the justice system restricted the independence of the judiciary. The Government continued to utilize international technical assistance for the reform of its judiciary during the year. In March 2003 the legislature passed significant reforms to revise the role, power, and structure of the judiciary by granting more authority to prosecutors; by providing more specialized judicial functionality in creating law enforcement, administrative, and commercial courts; by initiating a thorough review of the civil and penal codes; and by establishing penitentiary reforms focusing on prisoner rights.

The judiciary is composed of the civil courts, which hear cases involving civilians facing charges not related to security or terrorism; and the military courts, which hear cases involving civilians facing security and terrorism charges. Long-term detentions of suspects awaiting trial continued as reported the previous year (see Section 1.d.).

The Constitutional Council reviews the constitutionality of treaties, laws, and regulations. Although the Council is not part of the judiciary, it has the authority to nullify laws found unconstitutional, to confirm the results of any type of election, and to serve as the final arbiter of amendments that pass both chambers of the parliament before becoming law. The Council has nine members: three of the members (including the council president) are appointed by the president; two are elected by the upper house of the Parliament; two are elected by the lower house of the Parliament; one is elected by the Supreme Court; and one is

elected by the Council of State. Regular criminal courts try those persons accused of security-related offenses.

The Minister of Justice appoints judges who serve 10-year terms. The Minister of Justice may, according to the Constitution, remove judges for violations of the law or if they are involved in a situation that jeopardizes the reputation of justice.

According to the Constitution, defendants are presumed innocent until proven guilty. Trials are public, and defendants have the right to be present and to consult with an attorney, which is provided at public expense. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf. Defendants also have the right to appeal and the testimonies of minorities and women have equal individual weight.

However, government authorities did not always respect all legal provisions regarding defendants' rights, and they continued to deny due process. Women were denied equal rights in practice before the law due to the court's application of the Family Code, based on Shari'a (Islamic law) (see Section 5). Defendants and their attorneys were sometimes denied access to government-held evidence relevant to their cases. There were no reports of political prisoners.

In February, Judge Mohamed Ras El Ain was permanently dismissed as a judge in a disciplinary hearing held by the Superior Council of Judges. Judge El Ain was not afforded due process during the trial. Among a number of procedural problems, Ras El Ain was denied access to the evidence of his disciplinary file. A request for a continuation to review the file was denied. Human rights lawyers and local and international press reported that Ras El Ain was brought up on disciplinary charges for criticizing the politicization of the judiciary and an October 2003 court decision preventing oppositionists within the National Liberation Front from holding a party congress.

#### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution prohibits such actions; however, in practice government authorities at times infringed on citizens' privacy rights. The Government actively monitored the communications of political opponents, journalists, human rights groups, and suspected terrorists (see Section 4). Journalists from the independent press complained that emails sometimes took several days to deliver.

Unlike in previous years, there were no reports of violations of Ordinance 95-11, passed in 1995 to rescind the use of exceptional warrants accorded under the 1992 Emergency Law.

Armed terrorists entered private homes either to kill or kidnap residents or to steal weapons, valuables, or food (see Section 1.a.). Armed terrorist groups consistently used threats of violence to extort money from businesses and families across the country.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press; however, in practice, the Government markedly increased restrictions on these rights. The Government's use of defamation laws to harass and arrest journalists, its closure of two papers for debts to the state-owned printing house, and its continued grant of an advertising monopoly to the state-owned advertising agency intimidated papers into practicing a degree of self-censorship. Although the press was able to criticize government shortcomings and to highlight pressing social and economic problems, it faced significant repercussions from the Government for doing so.

The law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The State of Emergency decree gives the Government broad authority to restrict these freedoms and to take legal action against what it considers to be threats to the state or public order. These regulations were heavily applied throughout the year, and in some instances the Government targeted specific media organizations and their staff.

The country's independent media consisted of nearly 43 publications that supported or opposed the Government in varying degrees. Few papers have a circulation exceeding 15,000; however, the 7 largest papers had substantial circulations: El-Khabar (circulation 530,000), Quotidien d'Oran (circulation 195,000), Liberte (circulation 120,000), El-Watan (circulation 70,000), L'Expression (circulation 29,000), Djazair News (circulation 20,000) and Chorouk El-Youmi (circulation 9,000). Two French-speaking papers, El-Moudjahid and Horizons, and two Arab speaking papers, El-Chaab and El-Massa, are owned by the state. There were no newspapers owned by political parties, although several newspapers reflected a clear and often critical political perspective. Many parties, including legal Islamic political parties, had access to the independent press, in which they expressed their views without government interference. The three largest papers in circulation are owned and managed by employees. Opposition parties also disseminated information via the Internet and in communiqués.

Radio and television are government-owned, with coverage favoring President Bouteflika and the Government's policies. Presidential candidates received equal amounts of time on the state-owned radio and television channels during the 3-week official campaign season prior to the April elections. However, both before the official campaign and in the period following the

elections, opposition candidates were generally denied access to the public radio or television.

Satellite dish antennas are widespread, and millions of citizens had access to European and Middle Eastern broadcasting. While in the past the Government hindered the publication of some books related to Tamazight and Amazigh culture, during the year the Government began to print schoolbooks in Tamazight, through the introduction of a Tamazight curriculum in Tamazight-speaking provinces. Government-owned radio broadcast Tamazight language programming almost 24 hours a day and government-owned television broadcast a nightly news bulletin in this language.

Restrictions were also placed on the international media, limiting its ability to report freely. In June, the Ministry of Communication closed the office of the Al-Jazeera television station for an unspecified period. The Government said the closure was related to "work it had to do on regulating foreign media offices" even though Al-Jazeera had been in the country since the 1990s. The Government's decision to close the station was made a week after an Al-Jazeera broadcast that criticized high-ranking officers who worked in the French army during the war for independence; criticized the president's national reconciliation policy; and aired the results of a poll that indicated 72 percent of viewers felt there had been no improvement in the country's economic, social, and political situation. During a June press conference, Prime Minister Ahmed Ouyahia called Al-Jazeera "a channel whose sole aim was to tarnish Algeria's image." Reporters Without Borders (Reporters sans Frontières, or RSF) condemned the decision and called for a lifting of the ban. Although the station is still available to viewers, the Government continued to deny accreditation to its journalists, and the office remained closed at year's end.

In February, the Ministry of Communication and Culture prevented the distribution of an issue of the French magazine *Jeune Afrique l'Intelligent*. The issue contained the article "Who the Generals Vote For," which speculated on the private involvement of generals in supporting presidential candidates. RSF issued a communiqué condemning the censorship. Additionally, the March edition of *Le Monde Diplomatique*, with the articles "Algeria: From Terror to Normalization" and "The Cogs of A Secret War," was prevented from reaching newsstands. The Government did not offer any explanation for the ban.

Two foreign journalists were denied re-accreditation. In February, Christian Lecompte of the Swiss journal *Le Temps Suisse* was denied re-accreditation after publication of his critical article "Bouteflika Dictator." Ahmed Megaache of Dubai-based Al-Arabiya television was also denied re-accreditation after having covered several stories on press harassment, a 2003 teachers' strike, Ali Benflis' presidential campaign, and discontent in the Kabylie.

In March, for the first time since the 1992 State of Emergency, the Government granted increased freedom of movement to foreign journalists covering an election by permitting them to decline a "security detail." Journalists were able to move without a police escort on condition that they sign a liability waiver with the Government.

There was a marked increase in the level of harassment, arrest, and intimidation towards journalists following President Bouteflika's presidential victory. Human rights observers and media watch groups viewed this year's increased press harassment as politically motivated, targeting journalists that were critical of President Bouteflika and the Minister of the Interior, Norredine Zerhouni.

The law permits the Government to levy fines and jail time against the press in a manner that restricts press freedom. The most common form of harassment was through the use of defamation laws. The Penal Code imposes high fines and prison terms of up to 24 months for defamation or "insult" of government figures, including the President, members of Parliament, judges, members of the military and "any other authority of public order." Those convicted face prison sentences that range from 3 to 24 months and fines of 50,000 to 500,000 dinars (\$704 to \$7,042). During the year, at least 10 prosecutions occurred under the Penal Code. Djamel Benchenouf, Farid Allilat, and Ali Dilem from *Liberté*; Mohamed Benchicou and Sid Ahmed Semiane from *Le Matin*; Hafnaoui Ghoul of *Djazair News*; and Ali Boughanem, Mohamed Bouhamidi, and Kamel Amarni from *le Soir d'Algerie* were all charged for libel or slander under the Penal Code.

Four journalists were imprisoned for the first time, unlike in previous years when only fines were imposed. The most prominent case was against Mohamed Benchicou, the managing editor of the opposition paper *Le Matin* and author of a book critical of the president, "Bouteflika--An Algerian Imposter." In February, plainclothes policemen instructed several bookstores not to display Benchicou's book or attempt to sell it; otherwise their copies would be seized. According to the independent press, Minister of the Interior Zerhouni ordered the police to conduct an investigation to determine the publisher of the book and to take all measures to prevent the book from being marketed. Police searched vehicles and the headquarters of *Le Matin* for copies of the book. Others were detained for questioning by plainclothes policemen in Algiers: Saida Azzouz, a journalist for *Le Matin*; Ali Dilem, the cartoonist for *Liberte*; and Hamou L'hadj Azouaou, a chauffeur for *Le Matin*. While no official reason was given for their detention, the police questioned them about the book and seized their copies.

Benchicou was also sentenced to 2 years in prison and fined for violating foreign exchange controls. In August 2003, after returning from abroad, Benchicou's luggage was searched and 13 cash receipts worth 11.7 million dinars (\$167,142) were discovered. The point of law in question was debatable since the money remained in a local bank, not with Benchicou. His 2-year sentence was upheld on appeal, and his fine was tripled. Benchicou was also charged with six counts of defamation, five of which were still pending at year's end, and the sixth resulting in a fine of 50,000 dinars (\$684).

In May, Hafnaoui Ben Ameer Ghoul, a journalist for *el-Youm* and a member of the Algerian League for the Defense of Human Rights (LADHDH), was arrested and sentenced two days later to 6 months in prison and fined 50,000 dinars (\$704). In June, he was sentenced in another defamation case to 2 months in prison and 10,000 dinars (\$140). Ghoul's defamation cases were

related to articles alleging that the governor of Djelfa and others in his administration mismanaged funds and were involved in a public health crisis. Ghoul's appeals resulted in an even harsher punishment of 3 months in prison and a fine of 100,000 dinars (\$1,400) in the first case; and 3 months in prison, 10,000 dinars in fines, and 100,000 dinars in damages in the second case. There were approximately 30 other charges of defamation still pending against him. Ghoul was also given an additional 2-month sentence in August for passing a letter to his daughter via another journalist during a court hearing rather than through the prison authorities. Ghoul conducted a hunger strike in August that postponed the appeal of this latter case. On October 3, Ghoul was sentenced to an additional 3 months in prison. He was released on November 24 after serving 6 months out of a combination of sentences amounting to 11 months.

Ahmed Benaoum, Ahmed Oukili, and Ali Djerri were also given jail sentences. Additionally, Kamel Gaci and several other journalists and editors were charged with defamation and given fines and/or probation throughout the year. Kamel Gaci was also charged with "failing to report a fugitive" after his meeting with a former police officer who had escaped from prison and wanted to speak to him.

In February, the imam of a mosque in Constantine verbally attacked the independent press, in particular the newspaper *Liberte*, during the Friday sermon broadcast on state-owned television and radio. Similar pleas were heard during sermons in Batna, Khenchela, Guelma, and Algiers. The Government controls the mosques and directs the content of sermons. Minister of Religious Affairs Bouabdellah Ghoulamallah told Reuters news agency that the Government did counsel the imams about the content of their sermons, but only with respect to religious concepts. Prime Minister Ouyahia called the sermon "a regrettable event."

In December, an imam from an Algiers mosque accused journalists from the independent press, particularly the journal *El-Watan*, of being "missionaries of the Christian church in Algeria" and exhorted his followers to boycott the independent press. He also said, "the journalists deserved to be stoned to death."

All newspapers are printed at government-owned presses, and the Government continued to exercise pressure on the independent press through the state-owned advertising company, Agence Nationale d'Edition et de Publicite (ANEP), which decided which independent newspapers could benefit from advertisements placed by state-owned companies. Unlike in previous years, government agencies had to channel all their advertising through ANEP, which in turn decided in which papers to purchase ad space for the various agencies. This move gave ANEP, and therefore the Government, centralized control over the largest source of potential income for Algerian newspapers, putting ad placement in the hands of ANEP instead of individual agencies.

According to a 1994 inter-ministerial decree, independent newspapers may print security information only from official government bulletins carried by the government-controlled Algerian Press Service (APS). However, independent newspapers openly ignored the directive. Since 2002, the Government has been more open and factual regarding security information. This trend continued this year.

Most independent newspapers continued to rely on the Government's four publishers for printing presses and newsprint. In July, SIMPRAL, the Algiers-based government publisher, stopped printing *Le Matin* for its failure to pay a debt of 38 million dinars (\$535,200). The paper was out of business by September.

The Government imposed restrictions on the international media's coverage of issues relating to "national security and terrorism." In July 2003, the Government deported four journalists for their coverage "outside of their hotel rooms" of released political prisoners Ali Belhadj and Abassi Madani. The Government threatened similar action against others who violated the guidelines of the Ministry of Communication communiqué forbidding media coverage of the prisoners' release (see Section 1.d.).

Unlike in previous years, the independent press reported openly about allegations of torture, government corruption, and human rights abuses. There also was significant coverage of NGO activity aimed at publicizing government abuses committed in the past.

The Government generally did not restrict academic freedom. A growing number of academic seminars and colloquiums occurred without governmental interference. However, there were extensive delays in issuing visas to international participants and instances of refusal to allow international experts into the country (see Section 4).

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the Emergency Law and government practice sharply curtailed this right. Citizens and organizations were required to obtain permits from their appointed local governor before holding public meetings. The Government frequently granted licenses to political parties, NGOs, and other groups to hold indoor rallies, although licenses were often granted only a few days before events were to take place, thus impeding event publicity and outreach.

A decree issued in 2000 continued to ban demonstrations in Algiers. In January, 200 citizens including members of parliament and former ministers were clubbed by riot police when they tried to march from the Parliament to downtown in protest of a court decision invalidating the National Liberation Front (FLN)'s Eighth Party Congress (see Section 3). As a result, several persons



were injured or hospitalized.

Despite official restrictions, the Government tolerated numerous marches, protests, and demonstrations during the year in other parts of the country. In May, the citizens of Beni Mered in the province of Blida staged a sit-in in front of the municipality headquarters to protest a housing list giving some people preferential treatment.

In May and June, riots took place in the district of Les Genets in the Berber province of Tizi-Ouzou. Rioters protesting the arrest of a Berber youth placed barricades and set fire. The police were present, but did not intervene to avoid provoking a response. The protesters were detained for 8-10 hours and then released.

In July 2003 in Oran, members of an NGO working on disappearances, SOS Disparus, were forcibly dispersed during a protest seeking government redress of the question of the disappeared. Sixty persons were arrested, and police injured numerous individuals, including many women over the age of 40.

Every Tuesday morning throughout the year, families of the disappeared staged a sit-in before the Government's human rights ombudsman, the National Consultative Commission for the Promotion and Protection of Human Rights (*Commission Nationale Consultative de Promotion et de Protection des Droits de l'Homme*, or CNCPPDH). The police did not intervene to break up the demonstrators, the majority of whom were older women. Approximately 200 family members of disappeared persons also attempted to hold a march on October 5, but were prevented from doing so by riot police.

The Constitution provides for the right of association; however, the Emergency Law and government practice severely restricted this right. The Interior Ministry must approve all political parties before they may be established (see Section 3). The Government restricted the registration of certain NGOs, associations, and political parties on "security grounds," but refused to provide evidence or legal grounds for its refusal to authorize other organizations that could not be disqualified under articles pertaining to national security. The Government frequently failed to grant official national recognition to NGOs, associations, and political parties in an expeditious fashion. SOS Disparus, as well as the Democratic Front of Sid-Ahmed Ghezali and the Wafa party of Ahmed Taleb Ibrahimi are still not officially recognized.

The Government issued licenses to domestic associations, especially medical and neighborhood associations. The Interior Ministry reported that many inefficient associations, especially cultural ones, died out due to poor management, poor finances, and lack of interest. Youth, medical, literacy, and neighborhood associations continued to benefit from government support and the interest of members. The Interior Ministry regarded those organizations unable to attain government licenses as illegal. Domestic NGOs were prohibited from receiving funding from abroad, although this restriction was unevenly enforced.

The Southern Movement for Justice (SMJ) was organized in March with the objective of creating political awareness for politicians to address the South's high rates of poverty, illiteracy, and unemployment. In October, the Government arrested several SMJ members for organizing meetings of a non-recognized association following two peaceful protests.

The Ministry may deny a license to, or dissolve, any group regarded as a threat to the Government's authority, or to the security or public order of the State. After the Government suspended the parliamentary election in 1992, it banned the FIS as a political party, and the social and charitable groups associated with it (see Section 3). Membership in the FIS, although a defunct organization, remained illegal.

In September 2003, police forces in Algiers arrested and physically assaulted Arouch delegate Belaid Abrika during the breakup of a public rally before the Court of Algiers held to protest government actions against the independent press (see Sections 2.a. and 2.b.). Abrika was taken into custody and after refusing to state his name, beaten so severely that upon his release, doctors at Mustapha Hospital ordered him to undergo 21 days of bed rest. At the same rally, police detained a noted human rights attorney. Credible sources report that three police officers had to be restrained from attacking the individual once witnessing officers recognized him.

#### c. Freedom of Religion

The Constitution declares Islam to be the state religion and prohibits discrimination based on various individual liberties; however, the Constitution does not specifically prohibit religious discrimination. In practice, the Government generally respected religious freedom; however, there were some restrictions. The law prohibits public assembly for purposes of practicing a faith other than Islam, prohibits proselytizing, and controls the importation of religious materials. However, the Government follows a de facto policy of tolerance by allowing, in limited instances, the conduct of religious services by registered non-Muslim faiths which are open to the public.

The Government requires organized religions to obtain official recognition prior to conducting any religious activities. The Protestant, Roman Catholic, and Seventh-day Adventist churches are the only non-Islamic faiths authorized to operate in the country. Members of other religions, particularly protestant Evangelicals, are forced to operate without government permission or register as a part of the Protestant Church. According to the Ministry of Religious Affairs, the Ministry of the Interior is responsible for determining the punishment against a non-recognized religion.

Islamic law (Shari'a) does not recognize conversion from Islam to any other religion; however, conversion is not illegal under civil law. Because of safety concerns and potential legal and social problems, Muslim converts practiced their new faiths clandestinely. There are no specific laws against proselytizing; however the Government can consider proselytizing as a subversive activity. The Government restricted the importation of non-Islamic religious literature for widespread distribution, although it did not restrict such materials for personal use. Over the last few years, non-Islamic religious texts and music and video selections have become easier to locate for purchase. However, restrictions on the importation of Arabic and Tamazight-language translations of non-Islamic texts were periodically enforced. The government-owned radio station provided broadcast time to a Protestant radio broadcast. The Government prohibited the dissemination of any literature portraying violence as a legitimate precept of Islam.

The Ministries of Education and Religious Affairs strictly require, regulate and fund the study of Islam in public schools. The Government monitored activities in mosques for possible security-related offenses, barred their use as public meeting places outside of regular prayer hours, and convoked imams to the Ministry of Religious Affairs for "disciplinary action" when deemed appropriate. The Ministry of Religious Affairs provided financial support to mosques and paid the salaries of imams. The Ministry of Religious Affairs frequently appointed selected imams to mosques throughout the country, and the law allows it to pre-screen religious sermons before they are delivered publicly. (See Section 2.a.).

The Penal Code provides prison sentences and fines for preaching in a mosque by persons who have not been recognized by the Government as imams. Persons (including imams recognized by the Government) were prohibited from speaking out during prayers at the mosque in a manner that was "contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions."

There were no anti-Semitic incidents during the year, although anti-Semitic political commentary appeared periodically in the Arabic-language press without government response. The Government did not promote tolerance or anti-bias education, and there is no hate crime legislation.

The country's decade-long civil conflict has pitted self-proclaimed radical Muslims belonging to the Armed Islamic Group and its later offshoot, the Salafist Group for Call and Combat (*Groupe Salafiste pour la Predication et le Combat*, or GSPC), against moderate Muslims. Radical Islamic extremists have issued public threats against all "infidels" in the country, both foreigners and citizens. As a rule, the majority of the country's terrorist groups did not differentiate between religious and political killings.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the Government sometimes restricted these rights in practice. The Government does not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country if they do not have special authorization; however, such authorization may be granted to students and to those persons with special family circumstances.

Under the State of Emergency, the Interior Minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The Government also maintained restrictions on travel into the four southern provinces of Ouargla, El-Oued, Laghouat and Ain-Salah where much of the hydrocarbon industry and many foreign workers were located, to enhance security in those areas.

The police and the communal guards operated checkpoints throughout the country. They routinely stopped vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detained persons at these checkpoints.

Armed bandits and terrorists intercepted citizens at roadblocks, often using stolen police uniforms and equipment to rob them of their cash and vehicles. On occasion, armed groups killed groups of civilian passengers at these roadblocks (see Section 1.a.). Such acts were not performed or imposed by government forces.

The Family Code does not permit married females younger than 18 years of age to travel abroad without their guardian's permission (see Section 5).

Neither the Constitution nor the law provides for forced exile, and it was not known to occur.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status and asylum. There were no reports of the forced return of persons to a country where they feared persecution. The Government provided temporary protection to approximately 160,000 refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970s. The office of the U.N. High Commissioner for Refugees (UNHCR), the World Food Program (WFP), the Algerian Red Crescent, and other organizations assisted Sahrawi refugees. The Government cooperated with UNHCR and other humanitarian organizations in assisting refugees.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to peacefully change their Government; however, there are limitations on this right in practice. The Constitution also mandates presidential elections every 5 years.

For the first time since the end of the one-party system and after more than a decade of civil strife and continuing acts of terrorism, a sitting president not only completed his full 5-year term of office, but was re-elected in a contested election of transparency which was unprecedented for the country; however, the election and the electoral system were not without flaws. President Bouteflika was re-elected in April to his second term, winning approximately 85 percent of the vote according to the official results. Voter participation was 58 percent, remaining steady from the 1999 elections and reflecting stable public confidence in the political process, which had steadily dropped over the past decade.

Unlike previous elections, there was marked improvement towards a more free and transparent electoral process. The military was generally neutral in the election, upholding the Chief of Staff's promise not to intervene and abiding by a January electoral reform law that eliminated the practice of voting in barracks a day before the "general vote." Six candidates representing parties with a wide-range of political views participated, and they were able to campaign publicly on television and radio. A woman also ran for president for the first time in the country's history. Unlike in 1999, the candidates did not drop out on the eve of the election; and for the first time, candidates and party representatives were able to review the voter lists prior to the election. The lists were made available to the heads of political parties on CD-ROM, reducing the possibility of election fraud. An election observer from the Organization for Security and Cooperation in Europe stated in a press conference that the election was generally free and fair, though not without flaws.

Problems with the electoral system persisted. The Administrative Court of Algiers was criticized among the country's political class and independent media for having invalidated the National Liberation Front's Eighth Party Congress. The invalidation was viewed as politically motivated and a setback to the president's main opponent, former Prime Minister and FLN Secretary-General Ali Benflis, because the party representatives chosen during the Eighth Party Congress were Benflis supporters. The invalidation also froze the FLN's bank accounts.

Opposition candidates also complained that the Ministry of the Interior regularly blocked registered parties from holding meetings; denied them access to larger and better equipped government conference rooms; and pressured hotels into not making conference rooms available, while facilitating the activities of the pro-Bouteflika FLN. According to the Constitutional Council, which validates election results and determines whether candidates meet all the requirements, three potential candidates did not receive sufficient numbers of signatures for placement of their names on the ballot. Two candidates claimed the Council's invalidation of their signatures was politically motivated, but they were unable to provide any evidence of fraud. Despite opposition candidates' access to the state-controlled media during the official 3-week election campaign period, they were systematically denied similar access both before the campaign and following the election.

Furthermore, the incumbent's ability to use state largesse in government work projects in every wilaya to amass political support 8 months before the election created inequitable campaign advantages. Additionally, opposition candidates, primarily the (Islamist) "Islah" or Renaissance Party, expressed concern over potential tampering of the voter lists. Candidates filed numerous complaints that the lists were neither alphabetized nor classified by voting station or gender; that the lists did not conform to the electoral lists used during election day (which comprised full name, date and place of birth, and address for each voter); and that the number of voters on the list was inflated. The Electoral Commission made hundreds of corrections based on these filed complaints.

In April 2003, Prime Minister Benflis resigned and was replaced by the head of the RND Party, Ahmed Ouyahia. Prime Minister Ouyahia maintained the same cabinet until September 2003 when there was a reshuffle of FLN ministers. In April, following the presidential election, Prime Minister Ouyahia presented his resignation as required by the Constitution and was reappointed as Prime Minister with a new cabinet.

The country has a bicameral parliament consisting of the 389-seat National People's Assembly (lower house) and the 144-seat Council of the Nation (upper house or Senate). All members of the Assembly are elected by popular vote to 5-year terms. In the Council, two-thirds of the members are elected by the regional assemblies (the Popular Communal Assemblies and the Popular State Assemblies), and the remaining one-third is appointed by the President; all members serve 6-year terms, and the Constitution requires that half the elected portion of the Council and one-third of the appointed portion be replaced every 3 years. The Constitution provides the President with the authority to rule by executive order in special circumstances. In cases when Parliament is not in session, the President has the right to legislate by order. However, he must submit the executive order to Parliament for approval upon its return, first to the Assembly then to the Council. If the Assembly disapproves the executive order twice, the President must dissolve the Assembly. Assembly elections were held in May 2002, and indirect elections for the Council of the Nation were held in December 2003.

The law requires that potential political parties receive official approval from the Interior Ministry before they may be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the Interior Ministry. The Government has refused to register two parties: Wafa and Front Democratique. No party may use religion, Amazigh heritage, or Arab heritage as a basis to organize for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

In December 2003, indirect elections for one-third of the Council of the Nation (upper house) were held. The National Democratic Rally (RND) won 17 seats, and the FLN won 22 seats (split evenly amongst Benflis and Bouteflika supporters). The two conservative Islamic parties, MSP and El Islah, won four and two seats respectively, marking the first time members from Islamic parties have been elected to the Council. One independent member was also elected. Members of the regional assemblies in the Kabylie wilayats of Tizi-Ouzou and Bejaia did not participate due to their longstanding boycott of national elections.

Corruption in the executive and legislative branches of Government continued to be a serious problem. There are anti-corruption regulations in the Penal Code that call for prison sentences of up to 2 years and increase to up to 10 years' imprisonment for high executives; however, they are not widely implemented. During the year, the Government established a new anti-money laundering law and installed a financial intelligence unit to aid in the fight against corruption.

There is no government transparency in the country. The Government routinely does not provide any access to government information.

There were 32 women serving in senior positions in the executive and legislative branches. There were four women in the Cabinet: as Minister of Culture; and as Minister Delegates for Family and Female Condition, for the Algerian Community Living Abroad, and for Scientific Research. Women also held 24 of the 389 seats in the lower house of Parliament and 4 of the 144 seats in the upper house. In 2002, women held 19 seats in the lower house and 6 seats in the upper house, and held 5 ministerial positions during President Bouteflika's first term. A woman led the Workers' Party, and all the major political parties except the Islah Party had women's divisions headed by women.

The ethnic Amazigh minority of about 9 million centered in the Kabylie region participated freely and actively in the political process and represented one-third of the Government; however, Amazigh protests and boycotts surrounding the May and October 2003 and the April elections underscored the economic and social neglect felt by many in this community, which makes up nearly one-third of the overall population.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups were not able to operate without government interference while trying to investigate and publish their findings on human rights cases. The Government continued to harass local NGOs, and it utilized bureaucratic hurdles to impede the work of international NGOs. While some human rights groups were allowed to move about freely, the most active and visible organizations reported harassment by government authorities, including surveillance and monitoring of telephone services, arbitrary detention, questionable and repeated police summonses, and false arrest (see Section 1.f.). Domestic NGOs must be licensed by the Government and are prohibited from receiving funding from abroad, although they may receive donations in-kind. Some unlicensed NGOs operated openly. International NGOs continued to experience visa delays or refusals.

The most active independent human rights group was the Algerian League for the Defense of the Rights of Man (LADDH), an independent organization that had members throughout the country; however, the LADDH was not permitted access to government officials for human rights advocacy or research purposes, or to prisons, except for normal consultations allowed between lawyer and client.

The less active Algerian League for Human Rights (LADH) is an independent organization based in Constantine. LADH has members throughout the country who followed individual cases. In September 2003, Mohamed Smain, President of LADH, was summoned to the local police precinct and arrested without charge. The presiding judge dismissed the court case the following day. Smain had been sentenced to 1 year in prison for the defamation of the mayor of Relizane and eight members of its local self-defense force. He alleged in a published report on human rights abuses that his nine accusers had participated in the abduction, torture, killing, and disappearance of dozens of people. Smain was granted "provisional liberty" the same year while the Supreme Court reviewed his case.

Visits by international human rights NGOs occurred both at the invitation of the Government and independently, when the Government chose to issue visas. Representatives of the National Endowment for Democracy, Freedom House, and Global Rights all visited the country during the year. However, numerous international human rights groups continued to encounter visa difficulties following the publication of reports deemed critical of the Government. Difficulty with obtaining visas also occurred when groups intended to hold meetings, conferences, or workshops related to what the Government considered sensitive issues, such as disappearances or electoral reform. The Moroccan employees of Global Rights experienced lengthy visa delays that forced them to cancel several meetings in the first quarter of the year. Representatives of the Fund for Global Human Rights and the International Foundation for Election Systems were denied visas in September. The Ministry of Foreign Affairs denied Freedom House (FH) permission to open an office in Algiers until, according to an official at the MFA, FH wrote a more "balanced" annual report. The Government also told FH that its activities related to disappeared persons would be approved on a case-by-case basis. FH was also forced to cancel a seminar on disappearances because some of the seminar participants' visa applications were denied. Representatives of Human Rights Watch and Amnesty International were also denied visas during the year.

The ICRC has full access to civilian prisons and pre-trial detention centers; however, it has not been granted access to the

country's military or high-security prisons (see Section 1.c.).

The Government continued to deny requests for visits from the U.N. Working Group on Enforced or Involuntary Disappearances, the U.N. Special Rapporteur on Torture, and the U.N. Special Rapporteur on Extra-judicial Executions. The U.N. Rapporteur on the Freedom of Religion was allowed to visit the country in September 2002.

The government-established Consultative Commission for the Protection and Promotion of Human Rights (*Commission Nationale Consultative de Promotion et de Protection des Droits de l'Homme*, or CNCPPDH) is its Ombudsman for human rights. Directed by Farouk Ksentini, the Commission is made up of 45 members, 22 of whom belong to governmental bodies and 23 of whom come from civil society and NGOs. The nongovernmental members include representatives of Islamic religious organizations, the Red Crescent Society, and women's rights advocacy groups. The President approves nominees, and the Commission's budget and secretariat come from his office. The Commission is mandated to report on human rights issues, coordinate with police and justice officials, advocate domestic and international human rights causes, mediate between the Government and the population, and provide expertise on human rights issues to the Government.

In December, Ksentini announced that the Government was considering working more closely with international and local NGOs. He mentioned, however, that it was important for NGOs to cooperate and "not interfere in the country's domestic affairs."

In September 2003, the President announced the creation of a government commission dedicated to the issue of the disappeared and named Farouk Ksentini to head the body, which would serve as an "Ad Hoc Mechanism" between the families of the disappeared and the Government (see Section 1.b.). Both the CNCPPDH and the Ad Hoc Mechanism were perceived to be government-influenced and not effective, lacking investigative or enforcement powers. Their reports go directly to the President of the Republic and are not made public.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on birth, race, sex, language, and social status; however, women continued to face legal and social discrimination.

##### Women

Spousal abuse was common. In March, the National Institute of Public Health hosted a seminar on violence against women. Seminar statistics showed that 69.5 percent of female victims of violence were housewives, 27 percent were illiterate, and that rape constituted more than 55 percent of all sexual assaults.

Spousal abuse was more frequent in rural than urban areas and also more frequent among less-educated persons. Spousal rape also occurred. Prison sentences for non-spousal rape range from 1-5 years; however, there are no specific laws against spousal rape. There are strong societal pressures against a woman seeking legal redress against her spouse for rape, and there were few reports of the law being applied in such cases. Battered women must obtain medical certification of the physical effects of an assault before they lodge a complaint with the police. Because of societal pressures however, women frequently were reluctant to endure this process. According to a study by the Ministry of Justice, women's associations, and the National Institute of Public Health, 70 percent of women refused to lodge a complaint.

SOS Femmes en Detresse and the Wassila Network are two prominent associations for women that have received recognition by the Government and the international community. Both groups provided judicial and psychological counseling to abused women. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. There were several rape-crisis centers run by women's groups, but they had few resources. The Working Women section of the state union, the General Union of Algerian Workers (UGTA), established a counseling center with a toll free number for women suffering from sexual harassment in the workplace.

The law prohibits prostitution; however, for economic reasons, prostitution was reported to be a growing problem, according to the National Institute of Public Health.

Some aspects of the law and many traditional social practices discriminated against women. The Family Code, adopted in 1984 and based in large part on Shari'a, treats women as minors under the legal guardianship of a husband or male relative. Under the Code, Muslim women are prevented from marrying non-Muslims, although this regulation was not always enforced. The Code does not restrict Muslim men from marrying non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion. Divorce is difficult for a wife to obtain. Husbands generally obtain the right to the family's home in the case of divorce. Custody of the children normally is awarded to the mother, but she may not enroll them in a particular school or take them out of the country without the father's authorization. Only males are able to confer citizenship on their children.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives, although this rarely occurs in practice. Approximately 5 percent of marriages are polygynous. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

Women suffered from discrimination in inheritance claims. In accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women do not always have exclusive control over assets that they bring to a marriage or income that they earn themselves. Married females under 18 years of age may not travel abroad without their husbands' permission. Married women may take out business loans and use their own financial resources.

Despite constitutional and legal provisions providing equality between men and women, in practice women still faced discrimination in employment resulting from societal stereotypes. Leaders of women's organizations reported that discriminatory violations are common. Labor Ministry inspectors did little to enforce the law.

Social pressure against women pursuing higher education or a career was greater in rural areas than in major urban areas. Women made up more than half of the university student population; however, women constituted only 19.7 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue careers similar to those of men. About 25 percent of judges were women, a percentage that has been growing in recent years.

There were numerous women's rights groups, although the size of individual groups was small. Their main goals were to foster women's economic welfare and to amend aspects of the Family Code.

#### Children

Child abuse was a problem. Hospitals treat numerous child abuse cases every year, but many cases go unreported. Laws against child abuse have not led to notable numbers of prosecutions. NGOs that specialized in care of children cited continued instances of domestic violence aimed at children, which they attributed to the "culture of violence" developed since the civil conflict of the 1990s and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. One study performed by the National Institute of Public Health in 2002 reported that 62 percent of children have been victims of physical abuse.

Children continued to be victims of terrorist attacks. In one November incident in the wilaya of Relizane, a whole family, including children, was killed. In April, two children and their mother were killed by a homemade bomb.

The Government is generally committed to the welfare, rights, health and education of children. The Government provides free education for children through high school. Education is compulsory until the age of 16 and is free and universal. In 2004, more than 90 percent of children completed the ninth grade, on average the highest grade level normally attained by students. Boys and girls generally received the same treatment in education, although girls were slightly more likely to drop out of school in rural areas because of familial financial reasons, as sons were sometimes given educational priority over daughters. The girls were then sent to vocational training schools.

The Government provided free medical care for all citizens, albeit in often rudimentary facilities. The Ministry of Youth and Sports had programs for children, but such programs faced serious funding problems.

Economic necessity compelled many children to resort to informal employment, such as street vending (see Section 6.d.).

#### Trafficking in Persons

The law does not prohibit trafficking in persons and there were reports that such practices occurred. The Government did not acknowledge trafficking to be a problem, as the Government is mostly concerned with the increasing rate of illegal immigration. According to the Government, laws against illegal immigration, prostitution, and forced labor are used to enforce anti-trafficking standards, in the absence of specific anti-trafficking laws.

According to media reports and a local NGO, forced prostitution and domestic servitude of illegal immigrants from West Africa occurred as immigrants transited through the country seeking economic opportunity in Europe. Official statistical estimates of the severity of trafficking do not exist. Since the Government did not acknowledge trafficking to be a problem, there were no government assistance programs for victims or any information campaigns about trafficking.

#### Persons with Disabilities

The Government did not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a law that requires that they reserve 1 percent of their jobs for persons with disabilities. Social security provided payments for orthopedic equipment, and some NGOs received limited government financial support.

#### Section 6 Workers Rights

#### a. The Right of Association

About two-thirds of the labor force belonged to unions. Workers are required to obtain government approval to establish a union, and the Government may invalidate a union's legal status if its objectives are determined to be contrary to the established institutional system, public order, good morals or the laws or regulations in force. There were no legal restrictions on a worker's right to join a union. There is an umbrella labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities. The UGTA encompasses national unions that are specialized by sector. The law on labor unions requires the Labor Ministry to approve a union application within 30 days and allows for the creation of autonomous unions, others than those affiliated to UGTA. However, attempts by new unions to form federations or confederations have been obstructed by delaying administrative maneuvers. The Autonomous Unions Confederation (CSA) has attempted since early 1996 to organize the autonomous unions, but without success. The CSA continued to function without official status.

The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace. Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions (ICFTU). However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts were empowered to dissolve unions that engaged in illegal activities.

#### b. The Right to Organize and Bargain Collectively

The law provides for the right to strike, and workers exercised this right in practice, subject to some conditions. The law provides for collective bargaining for all unions, and the Government permitted this right in practice for authorized unions. Under the State of Emergency, the Government can require public and private sector workers to remain at work in the event of an unauthorized or illegal strike. According to the Law on Industrial Relations, workers may strike only after 14 days of mandatory conciliation or mediation. The Government on occasion offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public sector service strikes.

The law provides that all public demonstrations, protests, and strikes must receive government authorization prior to commencement. Strikes and labor gatherings occurred throughout the year in various sectors, including the construction, medical, port facility, education, and customs sectors. The 2001 ban on marches in Algiers remained in effect.

In 2004, the ILO Committee of Experts requested the Government take steps through legislation to ensure that no provisions of Legislative Decree 92-03 were applied against workers peacefully exercising the right to strike. The decree defines as subversive acts, or acts of terrorism, those offenses directed against the stability and normal functioning of institutions through any action taken with the intention of "obstructing the operation of establishments providing public service" or of "impeding traffic or freedom of movement in public places." The Government did not act, claiming that the Decree was not directed against the right to strike or the right to organize and has never been used against workers exercising the right to strike peacefully.

The Government eliminated free trade zones in November; labor laws now apply equally throughout the country.

On June 6, the National Committee for Union Freedom (CNLS) gathered 8 autonomous unions in health, education, and public administration (unaffiliated with the UGTA) to denounce infringements on the unions' freedoms, the right to strike, and on union pluralism.

During August, workers at southern facilities of Sonatrach, the state-owned oil and gas production company, protested inadequate salaries and benefits.

On September 30, employers in the health sector began a weeks-long "unlimited" strike at the appeal of the National Federation of Health Sector Workers (FNTS), an affiliate of the UGTA. The federation sought increases in salaries and benefits. The National Union of Public Health Practitioners (SNPSP) went on strike on October 10, seeking salary increases of up to 80 percent.

#### c. Prohibition of Forced or Compulsory Labor

Forced or bonded labor is prohibited by the Constitution's provisions on individual rights, and the Penal Code prohibits compulsory labor, including forced or compulsory labor by children. The Government generally enforced the ban effectively.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16 years. Inspectors from the Ministry of Labor supposedly enforced the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They did not enforce the law effectively in the agricultural or private sectors. UNICEF reported in 2003 that approximately 3 percent of children worked in

some capacity. No child labor was reported in the industrial sector; however, economic necessity compelled many children to resort to informal employment. Many children worked part time or full time in small workshops, on family farms, and in informal trade. One report stated that more than 25,000 children between the ages of 6 and 14 were working in the informal economy.

e. Acceptable Conditions of Work

The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The monthly minimum wage was insufficient to provide a decent standard of living for a worker and family. The minimum wage was approximately 8000 dinars (\$105) per month. Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent.

The standard workweek was 37.5 hours. Employees who worked beyond the standard workweek received premium pay on a sliding scale from "time-and-a-half" to "double time," depending on whether the overtime was worked on a normal work day, a weekend, or a holiday.

There were well-developed occupation and health regulations codified in the law, but government inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment generally was based on very detailed contracts, workers rarely were subjected to conditions in the workplace about which they were not previously informed. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract and, that failing, resort to the courts; however, the high demand for employment in the country gave the advantage to employers seeking to exploit employees.